

REMARKS

Claims 1-24 are pending in this application. Claims 4 and 17 have now been cancelled. Support for the amendments in claim 1 may be found at page 7, lines 10-12 for "same size and shape" while page 9, lines 29-31 and page 10, lines 1-3 (and page 11, lines 3-5) provide support for the "manual" adjustment or tightening.

First 35 USC §102(e) Rejection

Claims 1-3, 5, 9, and 16 stand rejected under 35 USC §102(e) as being anticipated by Muhanna et al. (2002/0058860). This rejection is respectfully traversed in the claims as now amended.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference (*In re Paulsen*, 31 USPQ2d 1671 (Fed. Cir. 1994)) or embodied in a single prior art device or practice (*Minnesota Min. & Mfg. Co.*, 24 USPQ2d 1321 (Fed. Cir. 1992)).

The cited reference, Muhanna et al., does not teach the following limitation now found in claim 1: "a manual device for tightening the cable, thereby causing the mating segments to be brought into tight frictional engagement and compressing the plating material". Thus, the segmented arm system of the present invention allows for a full range of three-dimensional motion of the stabilization device or surgical instrument which is controlled by a single knob. In contrast, Muhanna et al. requires "an electric current to be passed through the conductive wire, which heats and contracts, thereby applying a tension force to the tensioning cable.

Accordingly, the rejection of claims 1-3, 5, 9, and 16 under 35 U.S.C. § 102(e) is

respectfully requested to be withdrawn in view of the foregoing reasons.

Second 35 USC §102(e) Rejection

Claims 1-3, 5, 9-16, and 20-24 stand rejected under 35 USC §102(e) as being anticipated by Gannoe et al. (2002/0077532). This rejection is respectfully traversed.

Anticipation requires that each and every element of the claimed invention be disclosed

in a single prior art reference (*In re Paulsen*, 31 USPQ2d 1671 (Fed. Cir. 1994)) or embodied in a single prior art device or practice (*Minnesota Min. & Mfg. Co.*, 24 USPQ2d 1321 (Fed. Cir. 1992)).

The cited reference, Gannoe et al., does not teach the following limitation now found in claim 1: "an articulating arm having a plurality of same size and shape segments" Thus, the segmented arm of the present invention allow for a large range of movement. This is to be distinguished from Gannoe et al. (and the cited reference U.S. Patent No. 5,899,425 found at the bottom of page 4 and top of page 5) where there is a decrease in size of the elements or segments from the proximal end to the distal end of the arm resulting in the elements or segments being subjected to larger torques and reduced flexibility. Gannoe et al. teaches as shown in Figure 16, a non-uniform segmented arm.

Accordingly, the rejection of claims 1-3, 5, 9-16, and 20-24 under 35 U.S.C. § 102 (e) is respectfully requested to be withdrawn in view of the foregoing reasons.

First 35 U.S.C. § 103(a) Rejection

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gannoe (2002/0077532). As amended, claims 4 and 17 have now been cancelled.

Second 35 U.S.C. § 103(a) Rejection

Claims 6-8, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gannoe (2002/0077532) in view of Leyden et al. (U.S. Patent No. 6,371,345) This rejection is respectfully traversed.

The Office Action states that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a coating on the segments of Gannoe that is softer than the segment material, in view of Leyden, so that less force would be required to arrest relative motion of the segments." The art relied on fails to teach or suggest the combination of these references -- the art fails to provide the requisite guidance or motivation to establish a proper *prima facie* case of obviousness.

Nevertheless, even assuming a *prima facie* case of obviousness were to exist, which applicants contend has not been shown, there has been no showing that dependent claims 6-8, 18, and 19 would not of themselves be patentable like the independent claims 1 and 16 they are dependent therefrom.

Accordingly, the rejection of claims 6-8, 18, and 19 under 35 U.S.C. § 103(a) is respectfully requested to be withdrawn in view of the foregoing reasons.

CONCLUSION

As all of the outstanding rejections have been addressed and all of the claims are

believed to be in condition for allowance, the Applicants respectfully request a Notice of Allowability. The Examiner is invited to contact the undersigned representative should any further issues arise.

Respectfully submitted,

DECHERT LLP

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John W. Ryan

John W. Ryan
Reg. No. 33,771

Dechert LLP
1775 Eye Street, N.W.
Washington, D.C. 20006
Telephone (202) 261-3375
Fax (202) 261-3333